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Message Text

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ACTION IO-13

INFO OCT-01 EUR-12 ISO-00 IOE-00 SSO-00 NSCE-00 USIE-00
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INFO AMEMBASSY MOSCOW
USMISSION USUN NY

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 1723

E.O. 11652: GDS
TAGS: UN, SHUM
SUBJECT: HUMAN RIGHTS COMMISSION: SOVIET ARREST OF HUMAN RIGHTS LEADER

REF: A. GENEVA 1632
B. STATE 49647

1. AFTER U.S. DRAFT TELEGRAM HAD BEEN CIRCULATED AS UN DOCUMENT AND DISCUSSION HAD COMMENCED ON MARCH 4 AS REPORTED REF. A. HRC CHAIRMAN BOZOVIC EXPRESSED TO LOWENSTEIN CONTINUING INTEREST IN FINDING AN ARRANGEMENT WHICH COULD AVOID VOTE EITHER ON U.S. TEXT OR ON BULAGRIAN MOTION FOR NO CONSIDERATION. HAVING IN MIND DEPARTMENT'S VIEWS PER REF. B, LOWENSTEIN ENCOURAGED CHAIRMAN TO PURSUE MATTER. IN CONSULTATIONS OVER WEEK-END, WHICH CARRIED INTO A.M. MARCH 7, SCENARIO WAS ARRANGED UNDER WHICH THREE OR FOUR NON-ALIGNED DELEGATIONS AGREED TO TAKE PART IN SUBSTANTIVE DISCUSSION OF US PROPOSAL IN A MANNER WHICH WOULD BUILD RECORD OF SERIOUS CONSIDERATION BY HRC DELEGATIONS IN ADDTION TO FOUR WEOS WHO HAD ALREADY SPOKEN. IT WAS ALSO A CONFIDENTIAL

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PART OF THE ARRANGEMENT THAT THOSE DELEGATIONS WHICH WERE EXPECTED TO ECHO USSR POSITION OF FLAT OPPOSITION TO US PROPOSAL WOULD DO SO IN A RESTRAINED MANNER AND WITHOUT POLEMICAL SPEECHES DIRECTED AT THE U.S. A CRUCIAL DETAIL CENTERED UPON THE MANNER IN WHICH THE DEBATE WOULD BE CONCLUDED IN THE FACE OF THE USSR PREFERENCE EXPRESSED TO THE CHAIRMAN THAT THE U.S.

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PROPOSAL BE WITHDRAWN. THIS ISSUE WAS RESOLVED THROUGH
AGREEMENT BETWEEN THE CHAIRMAN AND LOWENSTEIN THAT
WHILE REFUSING TO WITHDRAW U.S. PROPOSAL LOWENSTEIN
WOULD STATE IHIS WILLINGNESS TO "WITHDRAW HIS REQUEST
FOR A VOTE ON U.S. PROPOSAL". IN LIGHT OF THIS
PREARRANGED SCENARIO, DISCUSSION OF U.S. PROPOSED
TELEGRAM CONTINUED AT A.M. MEETING MARCH 7.

2. CUBAN REP OPPOSED DISCUSSION OF U.S. PROPOSAL
WHICH HE DESCRIBED AS A NEW VERSION OF THE TALE OF THE
WOLF IN LAMB'S CLOTHINGANDAS APRODUCT OF CIRCLES
RESISTING DETENTE AND DESIRING RETURN TO THE COLD WAR.
THE SO-CALLED SOVIET DISSIDENTS WERE A FABRICATION OF
WESTERN PROBAGANDA AND WESTERN PRESS INTERESTS, WHICH
HAVE BEEN NOTICEABLY SILENT ON THE REAL NEWS FROM THE
HUMAN RIGHTS COMMISSION, SUCH AS THE ACTIONS TAKEN ON
SOUTHERN AFRICA.

3. THE REP OF YUGOSLAVIA ARGUED THAT CONSIDERATION
OF INDIVIDUAL CASES ARISING IN PARTICULAR
COUNTRIES BROGUHT THE HRC CLOSE TO INTERFERENCE IN
INTERNAL AFFAIRS. THE HELSINKI DECLARATION SHOULD BE
READ AS A WHOLE AND NOT SELECTIVELY IN DETERMINING
ITS PROPER IMPLEMENTATION. STRESSING THE NEED TO MAKE
PROGRESS SLOWLY, THE YUGOSLAV REP OPPOSED CONSIDERATION
OF THE U.S. PROPOSAL ON THE GROUNDS THAT IT DID NOT
REPRESENT THE PROPER WAY NOR WAS IT THE PROPER TIME
FOR SUCH ACTIOM..

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4. THE REP OF SENEGAO EXPRESSED HIS DELEGATION'S
CONDEMNATION OF VIOLATIONS OF HUMAN RIGHTS WHEREVER
THEY MIGHT OCCUR AND NOTED THAT THE PRINCIPLE OF
NON-INTERVENTION COULD NOT BE USED AS A CERTIFICATE TO ALLOW
EACH STATE TO DO AS IT WANTED WITHIN ITS
BORDERS. ACTION BY THE HRC WITH RESPECT TO HUMAN RIGHTS
VIOLATIONS MUST BE TAKEN WITH CIRCUMSPECTION. THE HRC
CANNOT UNDERTAKE A CRUSADE ECCH TIME A REPORT OF HUMAN
RIGHTS VIOLATIONS IS RECEIVED. THEHRC SHOULD CONCERN
ITSELF ONLY WITH THOSE VIOLATIONS WHICH SPRANG FROM A
SYSTEMATIC WILL OR WHICH CONSTITUTED A CONSISTENT
PATTERN SUCH AS IN SOUTHERN AFRICA, RHODESIA OR CHILE.
ALSO, BEFORE THE HRC COULD ACT IT REQUIRED SOME DEGREE
OF CERTAINTY AS TO THE SUBSTANCE OF THE ALLEGATIONS.
SPEAKING OF THE U.S. PROPOSED TELEGRAM, HE QUERIED
WHETHER THE COUNTRY CONCERNED WOULD TAKE IT INTO
ACCOUNT. THE IMPACT ON PUBLIC OPINION HAD ALREADY
BEEN OBTAINED BY A DISCUSSION OF THE ISSUE IN THE HRC
AND HE DOUBTED THAT THE MATTER,. WHICH HAD BEEN REAISED

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AS LONG AGO AS FEBRUARY 11, WAS OF A NATURE TO REQUIRE
A TELEGRAPHIC APPEAL. CONCLUDING THAT THE TELEGRAM
COULD NOT SERVE THE CAUSE OF HUMAN RIGHTS, HE ADDRESSED
A COURTEOUS APPEAL TO THE UNITED STATES DELEGATE TO
WITHDRAW THE TELEGRAM.

5. THE REP OF INDIA SAID THE HRC'S COMPETENCE
ON INDIVIDUAL CASES SHOULD BE PRIORITIZED TO MASSIVE,
SYSTEMATIC AND CONSISTENT VIOLATIONS, AS IN SOUTHERN
AFRICA AND THE OCCUPIED ARAB TERRITORIES. IN DEALING
WITH INDIVIDUAL CASES THE HRC SHOULD FOLLOW ESTABLISHED
PRODECURES WHICH HAD BEEN CAREFULLY WORKEDM OUT IN
ECOSOC RESOLUTION 1503. A PROPOSAL SUCH AS THE U.S.
TELEGRA, WHICH WOULD NOT SERVE THE PURPOSE OF DETENTE
AND INTERNATIONAL PEACE, CUULD NOT IN THE LAST ANALYSIS
BE OF BENEFIT TO HUMAN RIGHTS. HE JOINED IN THE
APPEAL TO THE UNITED STATES TO WITHDRAW ITS PROPOSAL.
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6. THE REP OF SYRIA SAW IN THE U.S. PROPOSAL AN
ABUSE OF THE PRINCIPLE OF PEACEFUL CO-EXISTENCE TO
ACHIEVE ENDS NOT IN CONFORMITY WITH UN CHARTER PRINCIPLES.
THE U.S. PROPOSAL WAS CONSISTENT NEITHER WITH DETENT
NOR THE INTERESTS OF THE NON-ALIGNED. HE SUGGESTED
THAT A BETTER COURSE WOULD BE FOR THE U.S. TO
ACCEDE TO THECOVENANTS AND PURSUE THE MATTER UNDER
ARTICLE 41 OF THE CIVIL AND POLITICAL COVENANT.

7. THE REP OF UPPER VOLTA DESCRIBED THE U.S.
TELEGRAM AS BEING PREMATURE. SINCE THE HRC WAS SO FAR
BEHIND IN ITS WORK HE SUPPORTED THE APPEAL THAT THE
TELEGRAM NOT BE ACTED ON AND SUGGESTED THAT IT MIGHT
BE CONSIDERED FURTHER AT THE NEXT SESSION.

8. THREE FURTHER STATEMENTS OPPOSING THE U.S.
TELEGRAM WERE MADE BY OBSERVER DELEGATIONS OF HUHGARY
AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, AND
THE REPRESENTATIVE OF UGANDA.

9. USREP (LOWENSTEIN), NOTING THAT HE WOULD WEIGH
VERY CAREFULLY THE REASONS ADVANCED FOR NOT PRESSING
THE U.S. PROPOSLAL TO A VOTE, PRESENTEDHIS OBSERVATIONS
ON THE ARGUMENTS WHICH AHD BEEN PUT FORWARD BY USSR
REP AT THE PREVIOUS MEETING. HE NOTED THAT THE U.S.
PROPOSAL WAS NOT A PRODUCT OF A U.S. -USSR POWER STRUGGLE.
FOUR OTHER DELEGATIONS HAD SPOKEN IN SUPPORT OF IT AND
MOST SPEAKERS HAD INDICATED THEIR APPRECIATION OF THE
EFFORT AS DEMONSTRATING THAT REGARDLESS OF ITS SIZE
NO COUNTRY CAN BE IMMUNE FROM DISCUSSION OF ITS HUMAN

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RIGHTS POLICIES.DESPITE REFERENCES MADE BY ZORIN TO
"RULING CIRCLES" IN THE U.S., SUGGESTING DIFFERENCES

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ACTION IO-13

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O R 081850Z MAR 77
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 5752
INFO AMEMBASSY MOSCOW
USMISSION USUN NY

C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 1723

OF VIEW OVER HUMAN RIGHTS POLICIES, THE U.S. PROPOSAL
HAD THE FIRM SUPPORT OF THE AMERICAN PEOPLE AND THERE
WAS NO DIVISION IN THE UNITED STATES ABOUT THE CONCERNS
EXPRESSED IN THE DRAFT TELEGRAM. LOWENSTEIN NOTED
THAT DETENTE COULD NOT MEAN THAT CRITICISM WAS NOT
ALLOWED AND HE QUOTED STATEMENTS FROM USSR SOURCES
CRITICIZING THE HUMAN RIGHTS SITUATION IN THE UNITED
STATES. AGITATION FOR HUMAN RIGHTS CANNOT BE STOPPED
AND THE HRC IS THE PROPER PLACE FOR THEIR DISCUSSION.
DISCUSSION IN THE HRC CAN ASSIST IN AVOIDING RETURN TO
THE COLD WAR. ANSWERING THE USSR CRITICISM OF RELIANCE
ON BIASED AND INACCURATE WESTERN SOURCES, HE NOTED
THAT OTHER SOURCES SUCH AS THE COMMUNIST PARTIES IN
FRANCE AND ITALY HAD BEEN AMONG THE SOURCES OF
INFORMATION ON THE HUMAN RIGHTS SITUATION IN THE USSR,
AND NOTED THAT THE PURPOSE OF THE TELEGRAM WAS TO
SECURE INFORMATION SO AS TO TEST THE ACCURACY OF THE
REPORTS REVEIVED. NOTING THAT THEHELSINKI AGREEMENT
PROVIDED THE BASIS FOR INTERNATIONAL CONCERN REGARDING
THE QUESTIONS RAISED IN THE U.S. PROPOSAL, HE QUOTED
GENERAL SECRETARY BREZHNEV WHO HAD APPEALED FOR FULL
IMPLEMENTATION IN PRACTIVE OF THE HELSINKI FINAL ACT.
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IT WAS PROPER TO REAISE QUESTIONS ABOUT THE FATE OF PERSONS WHOSE HUMAN RIGHTS HAD BEEN DENIED AND HE ASKED PARTICULARLY ABOUT PERSONS SUCH AS MR. ORLOV, STATING THAT EITHER THE U.S. PROPOSAL HAD TO BE WITHDREWN OR A VOTE WOULD HAVE TO BE TAKEN ON THE BULGARIAN MOTION NOT TO CONSIDER THE U.S. PRPOOSAL. HE APPEALED TO THE USREP TO BE REASONABLE, TO WITHDRAW HIS PROSOSLA AND NOT TO CONTINUE A TOTALLY POINTLESS DEBATE.

11. AT THE P.M. MEETING MARCH 7 THE REPRESENTATIVE OF COSTA RICA DESCRIBED THE DISCUSSION WHICH HAD TAKEN PLACE AS POSITIVE AND A GOOD SIGN OF THE WILLINGNESS OF THE HRC TO TAKE UP ALL QUESTIONS OF HUMAN RIGHTS VIOLATIONS. THE HRC COULD NOT ACCEPT THAT CERTAIN KINDS OF DISCUSSION WERE TABOO BECAUSE TO DO SO WOULD LIMIT THE MORAL AUTHORITY OF THE HRC.

12. USREP (LOWENSTEIN) NOTED THAT DISCUSSION OF THE PROPOSED TELEGRAM WHICH HAD TAKEN PLACE CERTAINLY COULD NOT MEAN THAT THERE HAD BEEN AN END TO DETENTE. COOPERATION WITH THE USSR WOULD CONTINUE IN A NUMBER OF FIELDS SUCH AS CULTRAL RELATIONS, SPACE AND MEDICINE. NOTING THAT A NUMBER OF DELEGATIONS HAD PRIVATELY APPEALED THATTHEY NOT BE PUT IN A POSITION OF HAVING TO VOTE ON THE U.S. PROPOSAL AND HAD EXPRESSED CONCERN THAT A VOTE WOULD BE DAMAGING TO THE HRC, HOWENSTEIN CONCLUDED BY STATING THAT HE WOULD WITHDRAW HIS REQUEST FOR A VOTE ON THE PROPOSED DRAFT TELEGRAM. HE NOTED THAT THE DISCUSSION WHICH AHD TAKEN PLACE HAD CONTRIBUTED TO A SPIRIT UNDER WHICH THE HRC COULD GROW TO ACHIEVE MORE BY DELEGATIONS ACTING TOGETHER WHENEVER POSSIBLE WHILE BEING MORE CANDID ABOUT DISAGREEMENTS IN OTHER AREAS.

13. BULGARIAN REP THEN STATED THAT SINCE
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THE U.S. PROPOSAL HAD BEEN WITHDRAWN HE WOULD WITHDRAW HIS PROPOSAL NOT TO CONSIDER IT. AFTER THE USREP REPEATED THAT HE HAD WITHDRAWN HIS REQUEST FOR A VOTE AND NOT HIS PROPOSAL, THE CHAIRMAN INTERVENED TO NOTE THAT IN NOT PROCEEDING TO A VOTE THE PURPOSE OF THE BULGARIAN PROPOSAL HAD BEEN ACHIEVED. HE THEREUPON ADJURNED DEBATED ON THE ITEM.

14. COMMENT: USDEL CONSIDERS THAT THE STATEMENTS

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MADY BY THE NON-ALIGNED DELEGATIONS SUMMARIZED ABOVE CONFORMED FULLY WITH THE UNDERSTANDINGS REACHED AS A PART OF THE PRESRRANGED SCENARIO DESCRIBED PARA 1. IMPORTANT FACTOR IS THAT THE TOTAL IMPRESSION OF THE DEBATE WHICH TOOK PLACE FOR TWO MEETINGS AND A PART OF A THIRD MEETING WAS THE SERIOUSNESS OF THE DISCUSSION AND THE RESTRAIN AND LACK OF COTUMELY WHICH CHARACTER-IZED ALL SPEECHED. THE SHAIRMAN KEPT HIS PART OF THE AGREEMENT EXPECIALLY THROGHT HIS FIRM INTERVENTION AT THE CLOSE OF THE DABATE WHICH CUT OFF THE BULGARIAN ATTEMPT TO REPRESENT THE FINAL STATEMENT OF THE USREP WITHDRAWING HIS REQUEST FOR A VOTE AS CONSITITUTING A WITHDRAWAL OF THE U.S. PROPOSAL. USDEL HAS BEEN ENCOURAGED BY THE INFORMAL COMMENTS WE HAVE HEARD FROM NUMEROUS DELEGATIONS SINCE THE CLOSE OF THE DISCUSSION ON THE DRAFT TELEGRAM. ALL THE WEOS HAVE BEEN ELATED AT THE SATISFACTORY OUTCOME WHICH THEY UNIFORMLY AGREED WAS THE BEST THAT COULD HAVE BEEN ATTAINED. NUMEROUS NON-ALIGNED DELEGATIONS HAVE ALSO EXPRESSED GENUINE SATISFACTION THAT THE HRC HAS FINALLY TAKEN THE PLUNGE INTO A DISCUSSION OF THE PREVIOUSLY ESSENTIALLY UNTOUCHED AREA OF EASTERN EUROPEAN HOMAN RIGHTS VIOLATIONS. USDEL IS SATISFIED THAT THE DISCUSSION WHICH TOOK PLACE PROVIDES A FIRM BASIS FOR FURTHER SUCH INITIATIVES AT FUTURE HRC SESSIONS, WHICH SHOULD BE MUCH EASIER TO PURSUE NOW THAT THE PRECEDENT FOR HRC INVOLVEMENT IN THIS AREA
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HAS BEEN SET.CATTO

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